

OFFICIAL COPY

Fresno, California

September 21, 1999

The City Council met in regular session at the hour of 9:05 a.m. in the Council Chamber, City Hall, on the day above written.

|          |                 |                   |
|----------|-----------------|-------------------|
| Present: | Tom Boyajian    | Councilmember     |
|          | Garry Bredefeld | Councilmember     |
|          | Chris Mathys    | Acting President  |
|          | Henry Perea     | Councilmember     |
|          | Sal Quintero    | Councilmember     |
|          | Dan Ronquillo   | Councilmember     |
|          | Ken Steitz      | Council President |

Jeff Reid, City Manager  
Hilda Cantu Montoy, City Attorney  
Becky Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

Pastor Ken Smiley, Second Baptist Church, gave the invocation.

Fire Bureau Chief Christiansen led the Pledge of Allegiance to the Flag.

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RESOLUTIONS OF COMMENDATION TO THE 1999 PORTRAITS OF SUCCESS RECIPIENTS -  
COUNCILMEMBER RONQUILLO

PROCLAMATION OF "NON-PROFIT BOARD DAY" - COUNCILMEMBER RONQUILLO

CERTIFICATES OF APPRECIATION TO TRIGGER LOCK DISTRIBUTION PROJECT VOLUNTEERS -  
COUNCILMEMBER BREDEFELD

RESOLUTION OF COMMENDATION TO TWELVE FIREFIGHTERS FROM BELGIUM

PROCLAMATION OF "DR. PAUL LAYGO DAY" - ACTING PRESIDENT MATHYS

The above resolutions and proclamations read and presented.

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**APPROVE MINUTES:**

The minutes of August 31, 1999, approved as submitted.

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**APPROVE AGENDA:**

**(5G) DIRECT CITY ATTORNEY TO CONDUCT AN EXTENSIVE FINANCIAL BACKGROUND CHECK ON THE FRESNO DIAMOND GROUP AND STOCKHOLDERS HAVING OVER 10% OWNERSHIP IN THE DIAMOND GROUP PRIOR TO ENTERING INTO NEGOTIATIONS FOR A DIFFERENT FINANCING PLAN FOR THE DOWNTOWN STADIUM - ACTING PRESIDENT MATHYS**

Councilmember Bredefeld stated the item was unnecessary as the issue was already being addressed and made a motion to remove the item from the agenda.

On motion of Councilmember Bredefeld, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled **Item 5G** removed from the agenda, by the following vote:

|        |   |   |
|--------|---|---|
| Ayes   | : | Boyajian, Bredefeld, Perea, Quintero, Ronquillo, Steitz |
| Noes   | : | Mathys  |
| Absent | : | None  |

Briefly discussed again later.

**(1A-10) APPROVE AN AMENDMENT TO THE AGREEMENT WITH CAMP, DRESSER & MCKEE, INC., FOR ENVIRONMENTAL ENGINEERING SERVICES RELATING TO GROUNDWATER REMEDIATION ACTIVITIES AT THE SANITARY LANDFILL SUPERFUND SITE**

City Clerk Klisch advised approval of the amendment to the agreement was contingent upon approval as to form by the City Attorney. So noted.

**(1A-5) RESOLUTION - AUTHORIZING THE PURCHASE OF DECORATIVE BENCHES AND TRASH RECEPTACLES WITHOUT ADVERTISED COMPETITIVE BIDDING**

Removed from the agenda at the direction of staff.

**PROTOCOL ON NUMBER OF PROCLAMATIONS ALLOWED ON AGENDA EACH WEEK BY COUNCILMEMBERS - ACTING PRESIDENT MATHYS**

Upon question of Acting President Mathys, President Steitz advised the signatures of four Councilmembers were needed to schedule more than one proclamation/resolution on the agenda by any Councilmember, adding he already discussed the issue with the City Clerk.

**(5G) DIRECT CITY ATTORNEY TO CONDUCT AN EXTENSIVE FINANCIAL BACKGROUND CHECK ON THE FRESNO DIAMOND GROUP AND STOCKHOLDERS HAVING OVER 10% OWNERSHIP IN THE DIAMOND GROUP PRIOR TO ENTERING INTO NEGOTIATIONS FOR A DIFFERENT FINANCING PLAN FOR THE DOWNTOWN STADIUM - ACTING PRESIDENT MATHYS**

Acting President Mathys stated he had requested the information three times, whereupon President Steitz stated the issue had been removed from the agenda and comments could be made under "Unscheduled Oral Communications" at the end of the meeting.

DIRECT STAFF TO SCHEDULE ON THE 9/28/99, AGENDA: DISCUSSION/ACTION ON FORMATION OF A THREE-MEMBER COUNCIL COMMITTEE TO DISCUSS ISSUES OF IMPORTANCE AS OUTLINED IN SURVEY UNDERTAKEN BY THE CHAMBER OF COMMERCE AND FRESNO BUSINESS COUNCIL - COUNCILMEMBER PEREA

Direction made. Briefly discussed again later.

SCHEDULING MORE THAN THREE (3) COUNCIL ITEMS BY A COUNCILMEMBER - PRESIDENT STEITZ

President Steitz noted Councilmember Perea had more than three items under "City Council" and questioned which item Councilmember Perea wanted to remove, whereupon the following action was taken:

**(5M) DIRECT CITY MANAGER OR HIS DESIGNEE TO COMPLETE THE STUDY FOR UPGRADE OF THE SELLAND ARENA - COUNCILMEMBER PEREA**

Laid over to September 28<sup>th</sup> at the direction of Councilmember Perea.

DIRECT STAFF TO SCHEDULE ON THE 9/28/99, AGENDA AT A TIME CERTAIN: DISCUSSION/ACTION RELATIVE TO REMOVAL OF FUNDS FOR THE VAGEDES NEIGHBORHOOD PROJECT - COUNCILMEMBER RONQUILLO

Briefly reviewed by Councilmember Ronquillo who stated the project was small but badly needed, with City Manager Reid responding.

On motion of Councilmember Ronquillo, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled matter set for September 28, 1999, at 5:00 p.m., by the following vote:

|        |   |   |
|--------|---|---|
| Ayes   | : | Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz |
| Noes   | : | None  |
| Absent | : | None  |

FORMATION OF COUNCIL COMMITTEE TO ADDRESS COMMUNITY ISSUES OF IMPORTANCE IN SURVEY UNDERTAKEN BY THE CHAMBER OF COMMERCE/FRESNO BUSINESS COUNCIL - COUNCILMEMBER BOYAJIAN (CONTINUED FROM EARLIER)

Councilmember Boyajian stated he did not feel a Council committee was needed as Council knew best what issues were important to the community, specifically jobs, and asked Council to not give credence to the survey.

**(5E) CONSIDER APPROVAL OF A COUNCIL OVERRIDE VOTE OF RESOLUTION NO. 99-264 VETOED BY MAYOR PATTERSON ON 9/13/99 - COUNCILMEMBER BOYAJIAN**

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the Council rules suspended and **Item 5E** moved from "#5 City Council" and set for consideration after approval of the Consent Calendar, by the following vote:

|        |   |   |
|--------|---|---|
| Ayes   | : | Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz |
| Noes   | : | None  |
| Absent | : | None  |

On motion of Councilmember Perea, seconded by Acting President Mathys, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

|        |   |   |
|--------|---|---|
| Ayes   | : | Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz |
| Noes   | : | None  |
| Absent | : | None  |

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**ADOPT CONSENT CALENDAR:**

**(1A-1) \*RESOLUTION NO. 99-265 - 23<sup>RD</sup> AMENDMENT TO AAR 99-181 APPROPRIATING \$25,000 FROM A PACIFIC BELL FOUNDATION GRANT FOR THE “CONNECTING CHILDREN AND ADULTS TO TECHNOLOGY” PROJECT**

**(1A-2) RESOLUTION NO. 99-266 - AUTHORIZING THE TRANSIT GENERAL MANAGER TO FILE THE FEDERAL TRANSIT ADMINISTRATION (FTA) URBAN AREA GRANT APPLICATION WITH THE FTA IN THE AMOUNT OF \$7,863,200; AND AUTHORIZING THE TRANSIT GENERAL MANAGER TO EXECUTE ALL NECESSARY GRANT APPLICATION DOCUMENTS ON BEHALF OF THE CITY AND ALL CONTRACT DOCUMENTS FOR GRANT ACCEPTANCE UPON FTA’S APPROVAL OF THE CITY’S GRANT APPLICATION**

**a. \*RESOLUTION NO. 99-267 - 27<sup>TH</sup> AMENDMENT TO AAR-99-181 APPROPRIATING \$7,863,200 OF THE 1999 FTA URBAN AREA FORMULA GRANT AND \$605,800 OF LOCAL MATCH RESERVES**

**(1A-3) \*RESOLUTION NO. 99-268 - 1<sup>ST</sup> AMENDMENT TO PAR 99-182 ADDING FIVE (5) PERMANENT PART-TIME POSITIONS TO THE FRESNO AREA EXPRESS OPERATIONS DIVISION**

**(1A-6) AWARD A CONTRACT TO FRESNO TRUCK CENTER IN THE AMOUNT OF \$220,918.15 FOR ONE (1) NEW CREW CAB COMBINATION CATCH BASIN TRUCK**

**(1A-8) RESOLUTION NO. 99-269 - RESCIND RESOLUTION NO. 99-16, REZONING APPLICATION NO. R-98-30 THROUGH ORDINANCE NO. 99-4, AND RESOLUTION NO. 99-17 AUTHORIZING VARIANCE NO. 98-22 AND PLAN AMENDMENT NO. A-98-18 IN SETTLEMENT OF SUNNYSIDE PROPERTY OWNERS ASSOCIATION, AND SUNNYSIDE VILLAGE HOMEOWNERS ASSOCIATION V. CITY OF FRESNO, DAVID OCHOA, REAL PARTY IN INTEREST LITIGATION**

**(1A-9) RESOLUTION NO. 99-270 - DEDICATING CERTAIN CITY-OWNED PROPERTY FOR PUBLIC STREET PURPOSES FOR THE MAPLE-SHEPHERD NEIGHBORHOOD PARK AT THE SOUTHEAST CORNER OF MAPLE AND SHEPHERD AVENUES**

**(1A-10) APPROVE AMENDMENT TO AGREEMENT WITH CAMP, DRESSER & MCKEE, INC., IN THE AMOUNT OF \$1,340,883 FOR ENVIRONMENTAL ENGINEERING SERVICES RELATING TO GROUNDWATER REMEDIATION ACTIVITIES AT THE FRESNO SANITARY LANDFILL SUPERFUND SITE, CONTINGENT UPON APPROVAL AS TO FORM BY THE CITY ATTORNEY**

**(1A-11)** APPROVE THE REVISED THREE-YEAR UNDERGROUND UTILITY DISTRICT PLAN

**(1A-12)** APPROVE THE AGREEMENT WITH THE COUNTY OF FRESNO FOR THE CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS IN EUGENIA AVENUE FROM ORANGE AVENUE TO NINTH STREET, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

**(1A-13)** AUTHORIZE THE DIRECTOR OF PARKS, RECREATION AND COMMUNITY SERVICES TO EXECUTE AN AGREEMENT FOR SITE MANAGEMENT OF THE SENIOR CITIZENS HOT MEALS PROGRAM WITH THE FRESNO-MADERA AREA AGENCY ON AGING

**(1A-16) \*RESOLUTION NO. 99-271 - 2<sup>ND</sup>** AMENDMENT TO SALARY RES. 99-175 RETITLING, DELETING AND AMENDING THE RATES OF COMPENSATION FOR CERTAIN CLASSES IN THE NON-SUPERVISORY GROUPS AND CRAFTS, MANAGEMENT, NON-CONFIDENTIAL AND NON-SUPERVISORY WHITE COLLAR UNITS

**a. RESOLUTION NO. 99-272 -** ESTABLISHING A PAY RELATIONSHIP FOR A DELETED CLASS WITH AN EXISTING CLASS FOR THE PURPOSE OF CALCULATING RETIREMENT BENEFITS PURSUANT TO FRESNO MUNICIPAL CODE SECTION 2-1603.1

**(1A-17) \* RESOLUTION NO. 99-273 - 30<sup>TH</sup>** AMENDMENT TO AAR 99-181 APPROPRIATING \$2,025,500 FOR THE CONSTRUCTION OF THE CONVENTION CENTER EXHIBIT HALL EXPANSION PROJECT

On motion of Councilmember Perea, seconded by Acting President Mathys, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

|        |   |   |
|--------|---|---|
| Ayes   | : | Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz |
| Noes   | : | None  |
| Absent | : | None  |

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**(5E)** CONSIDER APPROVAL FOR A COUNCIL OVERRIDE OF RESOLUTION NO. 99-264 VETOED BY MAYOR PATTERSON ON 9/13/99 - COUNCILMEMBER BOYAJIAN

**1. RESOLUTION NO. 99-264 - 13<sup>TH</sup>** AMENDMENT TO AAR 99-181 ADJUSTING REVENUES AND APPROPRIATIONS IN THE VARIOUS COUNCIL DISTRICT INFRASTRUCTURE FUNDS BASED ON THE UNEXPENDED FUNDS IN FY 99 COUNCIL INFRASTRUCTURE BUDGETS

Briefly reviewed by Councilmember Boyajian who noted the process for district infrastructure improvements took time and to lose unexpended funds was incomprehensible, stated comments by the Mayor on the irresponsibility of Council were unnecessary, **(2 - 0)** and urged Council to override the veto and made a motion, which was seconded and acted upon after brief discussion. Councilmember Ronquillo concurred with Councilmember Boyajian, and City Manager Reid responded to questions of President Steitz on the impact of the requested action on currently budgeted projects. President Steitz stated he wanted it made clear that Council Districts 3 and 7 got the majority of infrastructure funds.

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, a call for the question approved and debate on the issue closed, by the following vote:

|        |   |   |
|--------|---|---|
| Ayes   | : | Boyajian, Bredefeld, Perea, Quintero, Ronquillo, Steitz |
| Noes   | : | Mathys  |
| Absent | : | None  |

On motion of Councilmember Boyajian, seconded by Councilmember Perea, duly carried, RESOLVED, the Mayoral veto of Resolution No. 99-264 hereby overridden, and the above entitled Resolution No. 99-264 adopted, by the following vote:

|        |   |   |
|--------|---|---|
| Ayes   | : | Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo |
| Noes   | : | Steitz  |
| Absent | : | None  |

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**(10:00 A.M.) HEARING ON PLAN AMENDMENT NO. A-99-11 AND REZONING APPLICATION NO. R-99-21, FILED BY DMP DEVELOPMENT, PROPERTY LOCATED ON THE EAST SIDE OF N. BLYTHE BETWEEN W. ASHLAN AND W. DAKOTA AVENUES**

1. RESOLUTION - AMENDING THE FRESNO HIGH-ROEDING COMMUNITY PLAN
2. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM TO R-2/UGM

President Steitz announced the time had arrived to consider the issue and opened the hearing. Supervising Planner Haro briefly reviewed the staff report as submitted and recommended approval adding there was no opposition.

Larry Moore, representing DMP Development, stated he was present to answer any questions.

Upon call, no one else wished to be heard and President Steitz closed the public testimony portion of the hearing.

Extensive discussion ensued. Acting President Mathys and Councilmember Boyajian, the area's representative, expressed their concern with the impact of the project to the area, and Mr. Haro, City Manager Reid, Mr. Mulligan, representing the Central Unified School District, and Planning Manager Yovino responded to various concerns and questions of Council relative to the needed for a traffic signal at Ashlan and Blythe Avenues, when signals would be installed and funding source for same, unimproved roads in the area, capacity of Steinbeck School and traffic problem there, how traffic signal projects were determined, concerns of Central Unified with the project, lack of infrastructure in the area, nearest park in the area and if there was a plan for one, number of units in the project and anticipated number of children, planning for the area and need to deal with the General Plan, and moving the General Plan schedule up. Councilmember Perea emphasized the General Plan needed to be dealt with and directed staff to schedule discussion on the General Plan in one week and stated there were a lot of issues to resolve at this time and he could not support the project **(3 - 0)**.

Discussion ensued. Councilmember Ronquillo stated he was shocked staff was recommending approval of the project citing the problems in the area and the need for a signal at Ashlan and Brawley. Mr. Yovino and City Attorney Montoy responded to questions of Councilmember Quintero relative to school fees paid by the developer, percentage of surrounding property tax that goes to school districts, UGM fees and percentage that goes towards traffic signals, liability of the City when the developer followed all requirements and staff's recommended approval.

Ms. Montoy commented on the legal aspect of the issue based on comments and concerns expressed by Council, and recommended instead of denying the project outright that Council deny the Negative Declaration only and refer it back to staff to return with a new CEQA analysis along with the plan amendment and rezone application, whereupon Councilmember Boyajian offered a motion to that effect and stated Council was not against developers or development and emphasized the area had many problems such as congestion, no parks in area, school overcrowding and unimproved roads.

On motion of Acting President Mathys, seconded by Councilmember Perea, duly carried, RESOLVED, a call for the question approved and debate on the issue closed, by the following vote:

|        |   |   |
|--------|---|---|
| Ayes   | : | Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz |
| Noes   | : | None  |
| Absent | : | None  |

On motion of Councilmember Boyajian, seconded by Councilmember Quintero, duly carried, RESOLVED, the Negative Declaration for Environmental Assessment No. A-99-11/R-99-21, dated July 20, 1999, denied and referred back to staff to return with a new traffic and environmental study along with the plan amendment and rezoning application, by the following vote:

|        |   |   |
|--------|---|---|
| Ayes   | : | Boyajian, Bredefeld, Mathys, Perea. Quintero, Ronquillo, Steitz |
| Noes   | : | None  |
| Absent | : | None  |

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Councilmember Ronquillo stated his question was answered by staff relative to Consent **Item 1A-14** and questioned if it could be heard at this time, with City Attorney Montoy advising it would have to have to be heard at 2:00 p.m. under "Contested Consent Items."

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#### **RECESS - 10:57 A.M. - 11:13 A.M.**

Visiting Seniors from the Evangelical Free Church were recognized and welcomed.

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**(10:15 A.M.)** HEARING ON PLAN AMENDMENT NO. A-99-07 AND REZONING APPLICATION NO. R-99-15, FILED BY THE CITY OF FRESNO, PROPERTY LOCATED ON THE NORTHWEST CORNER OF N. CHESTNUT AND E. BEHYMER AVENUES

1. RESOLUTION - AMENDING THE WOODWARD PARK COMMUNITY PLAN

2. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-20/UGM TO C-P/UGM/CZ  
(PLANNING COMMISSION RECOMMENDATION)

3. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-20/UGM TO R-P/UGM/CZ  
(STAFF RECOMMENDATION)

President Steitz announced the time had arrived to consider the issue and opened the hearing. Supervising Planner Haro reviewed the staff report as submitted, noted the subject area was no longer in the Urban Reserve, and explained the difference between staff's and the Planning Commission's recommendation.

Attorney C. William Brewer, 1690 W. Shaw, representing Mrs. Mackay, property owner in the area, reviewed the issue at length displaying various documents on the overhead, and urged approval of the Planning Commission's recommendation and requested Council honor the agreement made by staff with Mr. Mackay without conditions and at no cost to the property owner.

Upon call, no one else wished to be heard and President Steitz closed the public testimony portion of the hearing.

Mr. Haro and City Manager Reid responded to questions of Councilmember Bredefeld relative to the agreement made relative to costs and C-P zoning.

Councilmember Bredefeld stated this was clearly a property rights issue and made a motion to approve the Planning Commission's recommendation with no cost to the property owner, waiving the dedication, and not imposing sewer fees, which was seconded by Councilmember Perea.

Extensive discussion ensued with Development Director Solis, Mr. Brewer and City Manager Reid responding to questions and clarifying issues of Acting President Mathys relative to the urban reserve area, proximity of the Cambridge project to the subject project, City responsibility to widen the road without development by the property owner and if the property owner had plans to develop the property, **(4 - 0)** size of the property and difficulty to develop, and street dedication versus construction of roads.

Based on the motion made, Mr. Reid recommended Council table the issue to allow staff to consider the overall impacts to the City on no requirement for the dedication. A motion of Acting President Mathys to table the issue until the issue of dedication was resolved died for lack of a second. Brief discussion ensued on the motion on the floor.

A motion of President Steitz, seconded by Acting President Mathys, to table the issue as recommended by staff failed, by the following vote:

|        |   |   |
|--------|---|---|
| Ayes   | : | Mathys, Steitz                                  |
| Noes   | : | Boyajian, Bredefeld, Perea, Quintero, Ronquillo |
| Absent | : | None  |

Proceedings were briefly interrupted. Councilmember briefly left the meeting at 11:50 a.m.

#### **10:30 A.M., 11:00 A.M. AND 11:30 A.M. ITEMS:**

Noting it was approaching the lunch hour, President Steitz advised those in the audience that the **10:30, 11:00 and 11:30 a.m. Items** would be heard after 2:00 p.m. Alex Correa, representing City workers, stated his opposition stressing many people were in attendance, including City employees, who took time off work to hear the **11:00 a.m. Item**, whereupon the following action was taken.



On motion of Councilmember Bredefeld, seconded by Councilmember Ronquillo, duly carried, RESOLVED, Council rules suspended and the **11:00 A.M. Item** (The Fresno Economic Recovery Project Final Report) to heard upon completion of the issue in progress, by the following vote:

|        |   |  |
|--------|---|--|
| Ayes   | : | Boyajian, Bredefeld, Mathys, Quintero, Ronquillo, Steitz |
| Noes   | : | None   |
| Absent | : | Perea  |

Proceedings continued on the **10:15 A.M. Item**.

Mr. Solis, Mr. Reid and Mr. Brewer responded to questions of Councilmember Ronquillo relative to the claim for C-P zoning and why it was subsequently changed to R-P, the water treatment plant in the area, number of acres involved and total expenditure of the City to date, considering both sides of the issue and making an equitable decision, and UGM fees. Councilmember Perea returned to the meeting at 11:56 a.m.

Upon request for clarification, Councilmember Bredefeld stated his motion did not include UGM fees. Mr. Reid briefly commented again on the proposed motion relative to deletion of the dedication requirement, stated it was the City's goal to purchase the parcel, noted Council was not understanding the processes and explained, and again urged staff be given an opportunity to evaluate the proposal being made.

Mr. Brewer responded to questions of Councilmember Boyajian relative to the agreement to process C-P zoning "at no cost", and Councilmember Boyajian stated it seemed like the property was getting many benefits with the annexation. Mr. Brewer urged Council to make a decision this date stating to delay the issue would be a hardship for Mrs. Mackay. Councilmember Bredefeld stated he wanted it made clear to staff that Council would be supporting Mrs. Mackay

On motion of Councilmember Boyajian, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the hearing on Plan Amendment No. A-99-07/Rezoning Application No. R-99-15 filed by the City of Fresno continued to October 5, 1999, at 10:30 a.m., by the following vote:

|        |   |   |
|--------|---|---|
| Ayes   | : | Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz |
| Noes   | : | None  |
| Absent | : | None  |

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**RECESS - 12:12 P.M. - 12:28 P.M.**

**(11:00 A.M.) PRESENTATION OF FRESNO ECONOMIC RECOVERY PROJECT FINAL REPORT FOR ADOPTION BY COUNCIL - COUNCILMEMBER BREDEFELD**

Councilmember Bredefeld reviewed the issue, emphasized there was no recommendation on privatization, stressed the economic strategies were bold and innovative, and urged Council's support and made a motion to adopt the report, which was seconded by President Steitz.

Speaking to the issue were: Alex Correa, representing City employees, who requested the matter be tabled to allow Local 30 to meet with Councilmember Bredefeld on the impact and ramifications of privatization; Clifford Cake, 4511 W. Harvard, City employee, opposed to privatization; Gloria Torres, 3923 E. Dakota, who spoke to the need for public transportation for economic recovery **(5 - 0)**; Russ Owen, 3032 N. Dewey, who concurred with the request to postpone the issue to discuss privatization; Barbara Hunt, 944 "F" Street; Sandra Brock, FCEA, who spoke to the privatization and UGM issues; Gene Zimmerman, FCEA, who commented on the potential for job loss with the upcoming expiration of federal funds that hired police officers; Doug Harrison, Fresno Metropolitan Flood Control District, who requested they be included in the project; and Art Penson, City employee, P.O. Box 394, Oakhurst, who requested the labor portion be separated from the report.

Upon call, no one else wished to be heard and President Steitz closed the public testimony portion of the issue.

Councilmember Ronquillo commended Councilmember Bredefeld for his leadership on the issue, commented on the issue of labor at length, and offered an amendment to the motion to remove the privatization section from the report and table it for further discussion, which amendment was not accepted by Councilmember Bredefeld.

A motion of Councilmember Ronquillo, seconded by Councilmember Boyajian, to remove Section 8 relating to Privatization from the report failed, by the following vote:

|         |   |                             |
|---------|---|-----------------------------|
| Ayes    | : | Boyajian, Mathys, Ronquillo |
| Noes    | : | Bredefeld, Perea, Steitz    |
| Absent  | : | None                        |
| Abstain | : | Quintero                    |

City Manager Reid responded to questions of Acting President Mathys relative to the \$1,000/\$500 per job credit strategy and who it applied to, a moratorium on water fees and who would pay those costs, including the Flood Control District in the future, and water flow and drainage. Acting President Mathys stated he was disappointed City employees were not given the opportunity for input in the privatization issue and made a motion to exclude the privatization section from the report to allow Local 39 to meet on the issue stating he prepared to vote on the balance of the report, which motion died for lack of a second.

Councilmember Perea briefly commented on the \$1,000 per job credit; stated he saw privatization of city services as a failure of government, noted the Recovery Plan needed to be moved forward, and made a motion to separate the issue of privatization from the report and postpone the matter for 30 days.

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, **RESOLVED**, Section 8 of the Fresno Economic Recovery Project Final Report relating to Privatization separated from the report, by the following vote:

|        |   |   |
|--------|---|---|
| Ayes   | : | Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz |
| Noes   | : | None  |
| Absent | : | None  |

On motion of Councilmember Bredefeld, seconded bu Councilmember Ronquillo, duly carried, RESOLVED, the issue of Privatization postponed 30 days to allow Councilmember Bredefeld to meet with Local 39 and other interested labor groups, by the following vote:

|        |   |   |
|--------|---|---|
| Ayes   | : | Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo |
| Noes   | : | None  |
| Absent | : | Steitz  |

Councilmember Boyajian commented briefly concurring the Flood Control District needed to be kept in the loop, and stressed the City needed to be more aggressive in making money and earning money and explained **(6 - 0)**, and Councilmember Ronquillo commented briefly on the need to invest.

On motion of Councilmember Bredefeld, seconded by President Steitz, duly carried, RESOLVED, the Fresno Economic Recovery Project Final Report (excluding Section 8) hereby adopted, by the following vote:

|        |   |   |
|--------|---|---|
| Ayes   | : | Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz |
| Noes   | : | None  |
| Absent | : | None  |

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#### **LUNCH RECESS - 1:31 P.M. - 2:32 P.M.**

**(11:30 A.M.) HEARING ON REZONING APPLICATION NO. R-99-031, FILED BY DIRK POESCHEL LAND DEVELOPMENT SERVICES, PROPERTY LOCATED AT 4338 - 4498 E. ASHLAN AVENUE**

**1. BILL NO. B-62 - ORDINANCE NO. 99-58 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM M-1/CZ TO M-1/CZ REMOVING THE CONDITION OF ZONING WHICH PROHIBITS ACCESS TO BARTON AVENUE**

President Steitz announced the time had arrived to consider the issue and opened the hearing. Supervising Planner Beach stated there was no opposition and staff was present to answer any questions.

John McCann, representing Spencer Enterprises, requested Council's support for the project and commended staff for their professionalism and help.

Upon call, no one else wished to be heard and President Steitz closed the hearing.

Acting President Mathys expressed his support, and Mr. Beach responded briefly to questions of Councilmember Perea relative to Barton Avenue access, traffic impact, timeframe for completion, and working with the neighborhood.

On motion of President Steitz, seconded by Acting President Mathys, duly carried, RESOLVED, the Negative Declaration for Environmental Assessment No. R-99-003 still applicable to R-99-031 hereby approved, and the above entitled Bill No. B-62 adopted as Ordinance No. 99-58, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz  
Noes : None  
Absent : None

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**(2:00 P.M.) CONTESTED CONSENT CALENDAR ITEMS:**

**(1A-4) APPROVE AGREEMENT FOR INSTALLATION AND MAINTENANCE OF BUS BENCHES BY AND BETWEEN THE CITY OF FRESNO AND COAST UNITED ADVERTISING, INC., DBA BENCH AD COMPANY**

Transit General Manager Rudd responded to Council questions relative to continuing to utilize Bench Ad, graffiti concerns and responsibility for removal, and ability of unique areas such as Chinatown and the Tower District to design their own benches and trash receptacles and come up with cost differences if necessary, and softening the look of benches for beautification.

On motion of Councilmember Bredefeld, seconded by Acting President Mathys, duly carried, RESOLVED, a one year agreement with two one-year extensions with Coast United Advertising, Inc./Bench Ad Company of Canoga Park, CA, hereby approved, and the Transit General Manager authorized to execute the agreement on behalf of the City, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz  
Noes : None  
Absent : None

- - - -

**(1A-7) APPROVE AGREEMENT WITH THE RIOS COMPANY FOR PROMOTIONAL SERVICES FOR THE FRESNO MILLENNIUM 2000 CELEBRATION, AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY**

Convention Center Director Valdez responded to questions of Councilmember Bredefeld relative to how The Rios Company was selected, allowing other companies to bid for the contract, and staff's authority in the matter. Councilmember Bredefeld stated he could not support staff's recommendation and made a motion to direct staff to issue a Request for Proposals (RFP), which was seconded and acted upon after brief discussion.

Councilmember Ronquillo stated he's been involved in the millennium celebration and advised of fund-raising, stated it was extremely late to change companies at this stage and urged support for staff's recommendation. Mr. Valdez responded to a question of President Steitz relative to timeframe on issuing an RFP. Councilmember Perea made a motion to approve staff's recommendation whereupon President Steitz called it out of order as a motion was already on the floor.

A motion of Councilmember Bredefeld, seconded by Councilmember Boyajian, to issue a Request for Proposals (RFP) for promotional services for the Millennium 2000 celebration failed, by the following vote:

Ayes : Bredefeld, Mathys, Steitz  
Noes : Boyajian, Perea, Quintero, Ronquillo  
Absent : None

On motion of Councilmember Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, an agreement with The Rios Company for promotional services for The Fresno Millennium 2000 Celebration hereby approved, and the City Manager authorized to execute the agreement on behalf of the City, by the following vote:

|        |   |  |
|--------|---|--|
| Ayes   | : | Boyajian, Mathys, Perea, Quintero, Ronquillo, Steitz |
| Noes   | : | Bredefeld  |
| Absent | : | None   |

- - - -

**(1A-14) RESOLUTION NO. 99-274 - APPROVING THE FINAL MAP OF TRACT NO. 4826, PHASE II OF TENTATIVE TRACT NO. 4357/UGM 540, A 45-LOT SINGLE-FAMILY RESIDENTIAL PLANNED DEVELOPMENT SUBDIVISION LOCATED ON THE NORTHWEST CORNER OF W. CORONA AND W. SIERRA BETWEEN N. POLK AND N. HAYES AVENUES, AND ACCEPTING THE DEDICATED PUBLIC USES THEREIN**

Councilmember Ronquillo stated his question relative to type of sidewalks in the project had been answered by staff and made a motion to adopt the Resolution.

On motion of Councilmember Ronquillo, seconded by President Steitz, duly carried, RESOLVED, the above entitled Resolution No. 99-274 hereby adopted; and the Public Works Director authorized to execute the Subdivision Agreement, Covenant for Landscape Maintenance and Covenant for Temporary Drainage Facilities; and the Development Director authorized to execute the Covenant to Defer the Payment of Sewer Connection Charges, Water Connection Charges, UGM Fees and Certain Development Fees, and the Right-to-Farm Covenant, by the following vote:

|        |   |   |
|--------|---|---|
| Ayes   | : | Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz |
| Noes   | : | None  |
| Absent | : | None  |

- - - -

**(1A-15) CONSIDER APPROVAL OF ALIGNMENT AND WIDTH OF PROPOSED PUBLIC STREET FOR A COMMERCIAL/INDUSTRIAL DEVELOPMENT PROPOSED BY DWAYNE ZINKIN ON THE NORTHWEST CORNER OF N. BLACKSTONE AND W. ALLUVIAL**

Supervising Planner Beach responded to questions of Councilmembers Bredefeld and Ronquillo relative to potential problems with the reduction of the right-of-way, project location and street width. Councilmember Quintero briefly left the meeting at 2:59 p.m.

On motion of Councilmember Bredefeld, seconded by Councilmember Quintero, duly carried, RESOLVED, the proposed street alignment as shown on Exhibit A attached to the staff report permitting a street width of 38 feet, subject to approval of a variance from Fresno Municipal Code Section 12-1011(b)(2) approved, by the following vote:

|        |   |   |
|--------|---|---|
| Ayes   | : | Boyajian, Bredefeld, Mathys, Perea, Ronquillo, Steitz |
| Noes   | : | None  |
| Absent | : | Quintero  |

- - - -

## SUSPENSION OF COUNCIL RULES TO HEAR CITY COUNCIL ITEMS

Brief discussion ensued on hearing non-controversial City Council items prior to the next time-scheduled item. Councilmember Quintero returned to the meeting at 3:02 p.m.

On motion of Councilmember Perea, seconded by Acting President Mathys, duly carried, RESOLVED, City Council items under No. 5 approved for consideration at this time, by the following vote:

|        |   |   |
|--------|---|---|
| Ayes   | : | Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz |
| Noes   | : | None  |
| Absent | : | None  |

- - - -

### **(5A) APPROVE APPOINTMENT OF ARDELL BARNES TO THE SAN JOAQUIN RIVER CONSERVANCY BOARD - COUNCILMEMBER PEREA (FOR ADOPTION)**

On motion of Councilmember Perea, seconded by President Steitz, duly carried, RESOLVED, Ardeell Barnes appointed to the San Joaquin River Conservancy Board, by the following vote:

|        |   |   |
|--------|---|---|
| Ayes   | : | Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz |
| Noes   | : | None  |
| Absent | : | None  |

Upon question of President Steitz, City Attorney Montoy stated staff could return with a change in the Council rules of protocol to introduce and approve Council appointments on the same day.

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### **(5B) \*RESOLUTION NO. 99-275 - 25<sup>TH</sup> AMENDMENT TO AAR 99-181 APPROPRIATING \$500 FROM DISTRICT 7's GENERAL FUND INFRASTRUCTURE BUDGET TO FUND A NON-INFRASTRUCTURE RELATED PROJECT FOR THE FRESNO ARTS COUNCIL - COUNCILMEMBER PEREA**

On motion of Acting President Mathys, seconded by Councilmember Perea, duly carried,, RESOLVED, the above entitled Resolution No. 99-275 hereby adopted, by the following vote:

|        |   |   |
|--------|---|---|
| Ayes   | : | Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz |
| Noes   | : | None  |
| Absent | : | None  |

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### **(5D) PROPOSED APPOINTMENT OF TIM K. HENSLEIT TO THE TOWER DISTRICT DESIGN REVIEW COMMITTEE - COUNCILMEMBER BOYAJIAN (FOR INTRODUCTION)**

On motion of Councilmember Boyajian, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the appointment of Tim Hensleit to the Tower District Design Review Committee introduced before the Council and laid over, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz  
Noes : None  
Absent : None

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**(5H) \*RESOLUTION NO. 99-276 - 24<sup>TH</sup> AMENDMENT TO AAR 99-181 APPROPRIATING \$5,000 FROM A DONATION FROM DERREL'S MINI STORAGE, INC. FOR THE HANDICAP RAMP AT THE DOG PARK LOCATED AT EL CAPITAN AND ALAMOS AVENUES**

On motion of Acting President Mathys, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 99-276 hereby adopted, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz  
Noes : None  
Absent : None

- - - -

**(5I) \*RESOLUTION - 28<sup>TH</sup> AMENDMENT TO AAR 99-181 APPROPRIATING \$9,500 OF DISTRICT 7's GENERAL FUND INFRASTRUCTURE BUDGET TO FUND A NON-INFRASTRUCTURE RELATED PROJECT TO PURCHASE COMPUTERS FOR FRESNO AREA SCHOOLS - COUNCILMEMBER PEREA (DISCUSSED AGAIN LATER)**

A motion and second was made to adopt the resolution. Brief discussion ensued on the purpose of the project, the schools involved, and Councilmembers engaging in fund-raising activities with Councilmember Perea and City Manager Reid responding to questions. The matter was tabled to later in the meeting for further discussion.

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**(5J) \*RESOLUTION NO. 99-277 - 29<sup>TH</sup> AMENDMENT TO AAR 99-181 APPROPRIATING \$1,000 FROM DISTRICT 3's GENERAL FUND INFRASTRUCTURE BUDGET TO FUND A NON-INFRASTRUCTURE RELATED PROJECT FOR THE FRESNO ARTS MUSEUM - COUNCILMEMBER RONQUILLO**

Briefly reviewed by Councilmember Ronquillo.

On motion of Councilmember Ronquillo, seconded by Acting President Mathys, duly carried, RESOLVED, the above entitled Resolution No. 99-277 hereby adopted, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz  
Noes : None  
Absent : None

- - - -

**(5K) PROPOSED APPOINTMENT OF CATHERINE MEDINA TO THE HUMAN RELATIONS COMMISSION - PRESIDENT STEITZ (FOR INTRODUCTION)**

On motion of President Steitz, seconded by Acting President Mathys, duly carried, RESOLVED, the appointment of Catherine Medina to the Human Relations Commission introduced before the Council and laid over, by the following vote:

|        |   |   |
|--------|---|---|
| Ayes   | : | Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz |
| Noes   | : | None  |
| Absent | : | None  |

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**(5L) PROPOSED APPOINTMENT OF MAIYA YANG TO THE HUMAN RELATIONS COMMISSION - COUNCILMEMBER PEREA (FOR INTRODUCTION)**

On motion of Councilmember Perea, seconded by Acting President Mathys, duly carried, RESOLVED, the appointment of Maiya Yang to the Human Relations Commission introduced before the Council and laid over, by the following vote:

|        |   |   |
|--------|---|---|
| Ayes   | : | Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz |
| Noes   | : | None  |
| Absent | : | None  |

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**(5C) RESOLUTION NO. 99-278 - AUTHORIZING THE ONE-TIME SALE OF CERTIFIED SAFE AND SANE FIREWORKS FROM DECEMBER 27, 1999, TO DECEMBER 31, 1999, WITHIN THE GUIDELINES OF AB 2090 - COUNCILMEMBER RONQUILLO**

Councilmember Ronquillo briefly reviewed the issue, stated he discussed the issue with the Fire Chief who stated he had no concern as this would occur during the wet winter season, emphasized this would be a special one-time occasion and made a motion to adopt the resolution, which was seconded and acted upon after brief discussion.

Upon question of Acting President Mathys, City Manager Reid stated he wanted the opportunity to work at the staff level on the guidelines, and City Attorney Montoy stated she saw no problems as long as the City was consistent with State law and she would return with a resolution on the guidelines.

Councilmember Bredefeld stated he would not support the motion noting he did not support the issue two years ago for the fourth of July, and stressed it would not be right to say OK now and was an inconsistent message to send to the community. Upon question of Councilmember Perea, Councilmember Ronquillo stated this would include the sale *and* use of fireworks. **(7 - 0)** Ms. Montoy clarified this was special, one-time only legislation.

On motion of Councilmember Ronquillo, seconded by President Steitz, duly carried, RESOLVED, the above entitled Resolution No. 99-278 hereby adopted, by the following vote:

|        |   |                                     |
|--------|---|-------------------------------------|
| Ayes   | : | Mathys, Quintero, Ronquillo, Steitz |
| Noes   | : | Boyajian, Bredefeld, Perea          |
| Absent | : | None                                |

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**(5F) DIRECT THE CITY MANAGER TO HAVE “NO BICYCLE RIDING ON SIDEWALK” SIGNS INSTALLED ON THE NORTH SIDE OF THE 3400 BLOCK OF VENTURA AVENUE - COUNCILMEMBER QUINTERO**

Briefly reviewed by Councilmember Quintero who stated this was the seventh time he had made the request, noted Caltrans had no problem with the request, and made a motion to approve direction *including* a timeline for the installation.

On motion of Councilmember Quintero, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the City Manager directed to install “No Bicycle Riding on Sidewalk” signs on the north side of the 3400 block of Ventura Avenue and report back with a timeline, by the following vote:

|        |   |   |
|--------|---|---|
| Ayes   | : | Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo |
| Noes   | : | Steitz  |
| Absent | : | None  |

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**(5I) \*RESOLUTION - 28<sup>TH</sup> AMENDMENT TO AAR 99-181 APPROPRIATING \$9,500 OF DISTRICT 7's GENERAL FUND INFRASTRUCTURE BUDGET TO FUND A NON-INFRASTRUCTURE RELATED PROJECT TO PURCHASE COMPUTERS FOR FRESNO AREA SCHOOLS - COUNCILMEMBER PEREA**  
**(CONTINUED FROM EARLIER)**

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled Resolution laid over one week, by the following vote:

|        |   |   |
|--------|---|---|
| Ayes   | : | Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz |
| Noes   | : | None  |
| Absent | : | None  |

- - - -

**(10:30 A.M.) WORKSHOP ON RESIDENTIAL RECEIVERSHIP PROGRAM AS AN ADDITIONAL TOOL FOR CODE ENFORCEMENT RELATING TO SUBSTANDARD HOUSING - COUNCILMEMBERS BOYAJIAN AND RONQUILLO**

Deputy City Attorney Slater reviewed the issue stating the Receivership Program was a new untested program, noted it would not be the answer to all the problems, advised a lot of information was received from Oakland and San Francisco, and stated staff wanted to treat this workshop as the first step in a two-step process, and explained the program.

Lengthy discussion ensued with Mr. Slater responding to Council questions and concerns relative to how certain buildings would be dealt with, where and how eminent domain would come in, how public nuisance homes would be dealt with, responsibility of property owners, how receiverships would be determined, ability to obtain preliminary title reports, including the R-2 zone district in the program, loan indebtedness exceeding the value of the property, specifics of the program, need to simplify the process, and foreclosures.

Upon question, City Attorney Montoy advised this was an informational status report and staff would have to return with funding mechanisms in the future. There was no further discussion.

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**(3:30 P.M.) APPROVAL OF SOCIAL SERVICE FUNDING RECOMMENDATIONS - COUNCILMEMBERS BOYAJIAN, RONQUILLO AND BREDEFELD (ACTED UPON LATER IN THE MEETING)**

President Steitz advised those in attendance the issue would be heard at approximately 6:30 p.m. as changes were currently being made.

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**(3:00 P.M.) CONSIDER OFFER FROM THE FRESNO POLICE OFFICER'S ASSOCIATION AND THE DEPUTY SHERIFF'S ASSOCIATION TO PURCHASE, AT THE APPRAISED VALUE, THE REAL PROPERTY KNOWN AS THE "MERCED/VANNESS BUILDING" AND PARKING STRUCTURE LOCATED AT 1231 - 1255 VAN NESS AVENUE, AND DIRECT STAFF TO COMMENCE WORK NECESSARY TO ACCEPT THE OFFER - COUNCILMEMBER QUINTERO**

Economic Development Coordinator Webster explained several issues the City had with the building which were not related to the sale or non-sale of the building, and responded to Council questions relative to the offer on the table (which he stated was not acceptable), and how long dialog had been going on. President Steitz stated real estate transactions were not normally dealt with in open session and recommended the issue be set in closed session in one week along with a complete staff report.

George Aguilar, representing the Police Officer's and Deputy Sheriff's Associations, reviewed the background of the issue and particulars of the offer, **(8 - 0)** and urged Council to sell the building stating it would have a positive effect on the surrounding area.

Lengthy discussion ensued with City Manager Reid giving a status report on the property, and along with a representative from Amco Parking and Mr. Webster, responded to questions relative to how long the City had owned the property, the parking garage and number of spaces leased out, value of the building with the parking structure, need to obtain a serious offer (with Councilmember Ronquillo recommending at least \$2 million), if the building had been placed on the market for sale and why the City Manager was recommending it not be sold, and the need to keep dialog open.

Councilmember Quintero requested information on how the Parking Authority worked and what it was responsible for, and presented questions relative to lease agreements with the existing tenants and how often tenants were checked upon, with Real Estate Supervisor Balch stating random checks were made approximately once every two weeks. The Amco representative responded to questions of Councilmember Ronquillo relative to cost for parking spaces and agreements, if any, with the County and Housing Authority.

Kathleen Paley, representing the Housing Authority, requested they be kept informed of the situation as they had a 20 year lease with an option for parking facilities.

By Council consensus, the matter was set for closed session in one week.

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**(2:00 P.M. #2) CLOSED SESSION:**

**(A.) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (b) - SIGNIFICANT EXPOSURE TO LITIGATION:**

1. VALLEY INSURANCE COMPANY V. CITY OF FRESNO
2. ROSE K. JACOBSEN V. CITY OF FRESNO
3. PATRIOT HOMES FRESNO V. CITY OF FRESNO; PATRIOT HOMES FRESNO II V. CITY OF FRESNO

**(B.) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9M, SUBDIVISION (a) - CASE NAMES:**

1. BREWER V. CITY OF NAPA (AMICUS BRIEF)
2. CITY OF FRESNO V. JOHN LOMBARDI
3. DAVIDSON V. CITY OF FRESNO - COUNCIL PRESIDENT STEITZ

**(C.) CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE SECTION 54957.6 - CITY NEGOTIATORS: JEFFREY REID, ANDREW SOUZA, JORGE AGUINIGA - EMPLOYEE ORGANIZATION: FAPOFA**

The Council met in closed session in Room 2125 at the hour of 4:33 p.m. and reconvened in regular open session at 5:15 p.m. with Councilmember Bredefeld arriving after the recess.

**CLOSED SESSION ANNOUNCEMENTS - CITY ATTORNEY**

City Attorney Montoy announced in the matter of “**B-1**”, Brewer v. City of Napa, the Council voted 7-0 to join in the amicus effort; in the matter of “**A-1**”, Valley Insurance Company v. COF, the Council voted 7-0 to ratify the action of Risk Management to reject the claim for property damage; and in the matter of “**A-2**”, Rose Jacobsen v. COF, the Council voted 4-3 to allow the late claim to be filed, with Councilmembers Perea, Mathys, Quintero and Ronquillo voting “Yes”.

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**(3A) APPROVAL OF RESPONSES REGARDING THE 1998-99 GRAND JURY REPORT**

City Manager Reid stated in light of the future developments on the stadium transaction, the City Attorney’s Office reviewed and updated the recommendation to be consistent with the current actions of Council in light of the status of ACA, and recommended the responses be approved as revised, with City Attorney Montoy concurring.

On motion of President Steitz, seconded by Acting President Mathys, duly carried, RESOLVED, the responses to the 1998-99 Grand Jury Report hereby approved, by the following vote:

|        |   |  |
|--------|---|--|
| Ayes   | : | Boyajian, Mathys, Perea, Quintero, Ronquillo, Steitz |
| Noes   | : | None   |
| Absent | : | Bredefeld  |

- - - -

**RECESS - 5:18 P.M. - 5:36 P.M.**

**(5:30 P.M.) HEARING TO CONSIDER THE APPEALS OF THE DEVELOPMENT DIRECTOR'S APPROVAL OF SITE PLAN REVIEW APPLICATION NO. S-99-89 AUTHORIZING A WOOD PRODUCTS GRINDING AND STORAGE YARD ON 8.9 ACRES (WITH A POTENTIAL TO ADD 5.6 ACRES) AT THE SOUTHEAST CORNER OF S. HUGHES AVENUE AND W. WHITESBRIDGE ROAD (GREEN'S RECYCLING)**

President Steitz announced the time had arrived to consider the issue and opened the hearing. Supervising Planner Beach reviewed the staff report as submitted, advised of concerns brought up at the Planning Commission level, recommended the appeals be denied and the negative declaration and Site Plan be approved as proposed, and submitted for the record a letter from Jon Robert Alsdorf, Landscape Contractor, in support of Green's Recycling, a copy of which is on file in the office of the City Clerk.

Jennifer Heck, representing the Green Family, reviewed the project, addressed concerns expressed, **(9 - 0)** and urged the appeal be denied and the site plan approved. Councilmember Bredefeld briefly left the meeting at 5:49 p.m. and returned at 5:55 p.m.

On motion of Councilmember Ronquillo, seconded by Councilmember Boyajian, duly carried, **RESOLVED**, Mr. Kelley allotted a 20-minute presentation, by the following vote:

|        |   |  |
|--------|---|--|
| Ayes   | : | Boyajian, Mathys, Perea, Quintero, Ronquillo, Steitz |
| Noes   | : | None   |
| Absent | : | Bredefeld  |

President Steitz left the meeting at 5:50 p.m. Harlan Kelly, 3378 W. Kearney, spoke in opposition to the location, submitted written information on the traffic volume for Hughes Avenue, and played a videotape of the subject property and surrounding areas. President Steitz returned to the meeting at 6:11 p.m.

Continuing to speak in opposition to the location were: Edward St. James, 220 E. Oleander, Member of the Edison Community Plan Citizens Advisory Committee (CAC) and the West Fresno CAC; Rev. Ted Wilson, 2397 S. Poppy; Larry Rasheed Muhammad, P.O. Box 12971; George Marcus, Jr., 424 E. Oleander; Minister Muhammad, 2337 E. Fedora; Charles Salazar, 1817 S. Crystal; Maude Rice Goorabian, 2119 W. Whitesbridge; and Petra Criado, 1268 S. Hulbert **(10 - 0)**.

Upon call, no one else wished to be heard and President Steitz closed the public testimony portion of the hearing.

Upon request of Councilmember Ronquillo, City Attorney Montoy explained the findings to be made based on the issues before Council this date.

Councilmember Ronquillo commented on the issue at length, stated in light of the entire record he felt there was substantial evidence of significant environmental impacts that had not been mitigated and explained, noted the City had a history of locating dumps in southwest Fresno, stated he faulted the City in that pre-identification of locations should be made for these types of projects, and made a motion to deny the negative declaration and site plan based on his findings, which motion was seconded by Councilmember Perea.

Development Director Solis responded to a question of Acting President Mathys relative to why the project was subject to the site plan review process. Acting President Mathys commented on the issue and stated he would not support the project at that location and requested staff assist in finding the Green's an alternate location.

Mr. Beach and Ms. Heck responded to questions of Councilmember Perea relative to how staff determined environmental impacts such as traffic, water, odors, noise and vectors would be mitigated, potential for residential development on the site, amount the Green's have invested in the site, if other sites had been looked at or found, assistance of the Redevelopment Agency in locating another site, and concerns of the Agency Director with the project being near the Roeding Industrial Park as stated in a letter. Councilmember Perea stated if the Agency had that concern and if Council moved towards denying the project at the subject site, he felt the Agency had a responsibility to pay costs incurred by the Green's to date and relocate them and questioned if that was legal, with Ms. Montoy stating staff would have to look into the issue to see if Council could make that direction.

Ms. Heck and Mr. Beach responded to questions at length of Councilmember Boyajian relative to the buildings on the site, improvements to be made, proximity to residential homes, any problems with at the prior location, reason the project went through the site plan review procedure, facility hours of operation, noise concerns, potential for rezoning the property, and types of nearby businesses. Councilmember Boyajian stated the current site was one of the worse he had seen and stated he felt the Green's would improve the site **(11 - 0)** and he did not feel the project would a detriment to the area.

Councilmember Perea withdrew his second to the motion, whereupon Acting President Mathys offered a second to the motion to deny. Councilmember Perea offered an amendment to table the issue one week for further discussion on the Redevelopment Agency locating another site and possible recovery of costs by the Green's. Upon question, Ms. Montoy stated it would be permissible to postpone the matter, whereupon Councilmember Perea made that motion.

Brief discussion ensued and Ms. Montoy clarified the public hearing would conclude this date and Council would next week only listen to new information, deliberate and take action.

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, **RESOLVED**, the hearing continued to September 28, 1999, at 4:00 p.m. for a report from the Redevelopment Agency relative to their assistance in locating an alternate site for Green's Recycling and possible recovery by the Green's of their costs expended to date, by the following vote:

|        |   |                                    |
|--------|---|------------------------------------|
| Ayes   | : | Bredefeld, Perea, Quintero, Steitz |
| Noes   | : | Boyajian, Mathys, Ronquillo        |
| Absent | : | None                               |

- - - -

#### **RECESS - 7:39 P.M. - 7:48 P.M.**

#### **(3:30 P.M.) APPROVAL OF SOCIAL SERVICE FUNDING RECOMMENDATIONS - COUNCILMEMBERS BOYAJIAN, RONQUILLO AND BREDEFELD**

Revised recommendations were earlier distributed to Council and Councilmember Ronquillo briefly reviewed the issue.

Loretta Deperian, representing Exceptional Parents Unlimited, advised FY 99's appropriation amount noted in the report was incorrect, and expressed concern the organization was getting a lesser amount when other organizations were being allocated more than they requested.

A motion and second to approve the revised recommendations was acted upon after brief discussion. Councilmember Perea and District 3 Council Assistant Cox responded to questions of Councilmember Quintero relative to why no funding was recommended for the LAO Family Community of Fresno organization, with Councilmember Quintero expressing his concern stating he had a large population in his district who would be affected.

On motion of Councilmember Ronquillo, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the social service funding recommendations hereby approved, as revised, by the following vote:

|        |   |   |
|--------|---|---|
| Ayes   | : | Boyajian, Bredefeld, Mathys, Perea, Ronquillo |
| Noes   | : | Quintero, Steitz                              |
| Absent | : | None  |

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## ADJOURNMENT

There being no further business to bring before the Council, the hour of 7:55 p.m. having arrived and hearing no objections, President Steitz declared the meeting adjourned.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 1999.

|                                       |
|---------------------------------------|
| _____ ATTEST: _____                   |
| Ken Steitz, Council President         |
| Yolanda Salazar, Assistant City Clerk |

